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NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA, CEASAR MARTINEZ,
and RICARDO MARMOLEJO,

Defendants.

Case No.: 2:21-cr-00020-JAM

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

Date: June 27, 2023
Time: 9:00 a.m.
Court: Hon. John A. Mendez

Plaintiff United States of America by and through Assistant United States Attorney
Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney
Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of
Defendant Ricardo Marmolejo, stipulate as follows:

1. This matter is set for a status conference on June 27, 2023. Defendants move to
continue the status conference to September 26, 2023.

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- 1 2. This case results from a multi-agency law enforcement task force investigation into a
2 drug trafficking organization. The government represents that parts of the
3 investigation are ongoing. The initial portion of the investigation, which resulted in
4 the arrests of Defendants Avila, Martinez, and Marmolejo, used two rounds of court-
5 authorized wiretaps.
6
- 7 3. The task force's investigative techniques included the use of wiretaps on five
8 different telephones and other legal processes on at least thirteen target telephones.
9 Investigation into these sources of supply is continuing, so a portion of the
10 investigative techniques and operations utilized to undertake it has remained under
11 seal to prevent notification of potential targets and the destruction of evidence. The
12 government provided an initial round of discovery to defense counsel, which included
13 reports of investigation, relevant wiretap authorization applications, and over 3,500
14 intercepted telephone calls, up to and including Target Telephone #5.
15
- 16 4. On November 17, 2022, the government provided defense counsel with a
17 supplemental discovery production. This production consists of slightly more than
18 1,400 pages of materials. These materials include, among other items, reports
19 regarding controlled purchase operations, reports detailing execution of search
20 warrants at numerous locations relevant to the investigation, police reports regarding
21 individuals and criminal activity tangential to the primary targets of the investigation,
22 and lab results for suspected controlled substances obtained or seized during the
23 investigation.
24
- 25 5. The government has indicated that an additional round of discovery is imminent.
26

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1 Some of the materials within this anticipated production have not previously been
2 released to protect the ongoing investigation. The government also represents that it
3 plans to prepare written plea resolution offers and provide them to defense counsel
4 for the purpose of negotiating a disposition of this matter.
5

6 6. All defense counsel require additional time to continue review of previously produced
7 and anticipated discovery materials with their respective clients and to conduct
8 defense investigation stemming from them. All defense counsel also require
9 additional time to discuss potential resolution of this matter with their respective
10 clients.
11

12 7. Given the continuing defense review of the discovery materials, the anticipated
13 release of supplemental discovery materials, and the resulting investigation of matters
14 related to them, Defendants Avila, Martinez, and Marmolejo request to continue the
15 status conference to September 26, 2023. They further move to exclude time between
16 June 27, 2023 and September 26, 2023, inclusive, under Local Code T-4. The
17 government does not oppose the request.
18

19 8. All defense counsel represent and believe that failure to grant additional time as
20 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable
21 time necessary for effective preparation, considering the exercise of due diligence.
22

23 9. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request
24 that the Court find that the ends of justice served by continuing the case as requested
25 outweigh the best interest of the public and the Defendants in a trial within the time
26 prescribed by the Speedy Trial Act.
27

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10. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of June 27, 2023 to September 26, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance granted by the Court at Defendants' request on the basis that the ends of justice served by taking such action outweigh the best interest of the public and the Defendants in a speedy trial.

11. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on behalf of their respective clients.

DATED: June 16, 2023

PHILLIP A. TALBERT
United States Attorney

By /s/ Todd D. Leras for
ADRIAN T. KINSELLA
Assistant United States Attorney

DATED: June 16, 2023

By /s/ Todd D. Leras
TODD D. LERAS
Attorney for Defendant
NEHEMIAH AVILA

DATED: June 16, 2023

By /s/ Todd D. Leras for
MICHAEL D. LONG,
Attorney for Defendant
CEASAR MARTINEZ

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1 DATED: June 16, 2023

2 By /s/ Todd D. Leras for
3 DINA SANTOS
4 Attorney for Defendant
5 RICARDO MARMOLEJO
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ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the status conference in this matter, scheduled for June 27, 2023, is **VACATED**. A new status conference is **SCHEDULED** for **September 26, 2023, at 9:00 a.m.** The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from June 27, 2023, up to and including September 26, 2023.

IT IS SO ORDERED.

Dated: June 20, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

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